

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

V.

CASE NO. 2:19-CV-20033-001

ROBIN COX

DEFENDANT

**AMENDED SCHEDULING ORDER: SENTENCING**

**I. SENTENCING HEARING**

A sentencing hearing is rescheduled in this case for **May 27, 2021 at 1:30 p.m.** in Fort Smith, Arkansas, third-floor courtroom (Room 310) before Honorable P. K. Holmes, III.

**II. SENTENCING MEMORANDA**

In every case, the Court makes a thorough review of the Presentence Investigation Report and the record as a whole. A sentencing memorandum should only be filed if a party believes additional briefing on an issue is necessary and/or would be beneficial to the Court. Any such memorandum **must be filed no later than May 6, 2021**. If the sentencing is continued, memoranda are due no later than 21 days prior to the new sentencing date.

Any responsive memoranda must be filed within seven (7) days after the filing of the sentencing memorandum that the responding party wishes to address.

The first page of any such memorandum **should include an estimate of the anticipated length of time necessary for the hearing** and should state whether the submitting party plans to present any testimony.

Further, if any party otherwise expects the sentencing to be contested, the party or parties should so inform the Court by **May 6, 2021** so that enough time can be allotted for the hearing.

### **III. MOTIONS FOR DEPARTURE AND/OR VARIANCE**

Generally, any motions for departure or variance should be included in a sentencing memorandum filed in accordance with the guidelines set forth above. If a sentencing memorandum is filed that includes such a request, DO NOT FILE a separate motion.

The Government is directed to file any motion for downward departure pursuant to U.S.S.G. § 5K1.1, 18 U.S.C. § 3553(e), and/or Rule 35 of the Federal Rules of Criminal Procedure **by May 21, 2021.**

### **IV. LETTERS OF SUPPORT**

Any letters in support of the Defendant that the Defendant wants the Court to consider should be provided **to the United States Probation Office by May 21, 2021.** The Probation Office will forward copies to the Court. DO NOT send extra copies to chambers directly, as the Court will only consider letters received through the Probation Office. Unless a Defendant has sought and received prior approval from the Court (email approval requests to [pkhinfo@arwd.uscourts.gov](mailto:pkhinfo@arwd.uscourts.gov)), no more than five (5) letters of support should be sent per Defendant. If more than five letters are sent, and the Defendant has not obtained approval to send more, only the first five will be considered. **All letters should be sent together in one packet.**

### **V. EXTENSIONS**

Any requests for extensions of the above deadlines should be submitted, with copies to opposing counsel, to [pkhinfo@arwd.uscourts.gov](mailto:pkhinfo@arwd.uscourts.gov) prior to the deadline.

**DATED: April 26, 2021**

*/s/ P. K. Holmes, III*

P. K. HOLMES, III  
U.S. DISTRICT JUDGE